

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JESSE MEANS,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 05-107E
	)	
v.	)	Hon. Sean J. McLaughlin
	)	United States District Judge
UNITED STATES OF AMERICA,	)	
et al.,	)	Hon. Susan Paradise Baxter
	)	United States Magistrate Judge
Defendants.	)	
	)	ELECTRONICALLY FILED

MOTION FOR ENLARGEMENT OF TIME TO FILE  
ANSWER AND/OR RESPONSIVE PLEADING

AND NOW, come Federal Defendants, the U.S. Attorney General, et al., through counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney for said district, and, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, respectfully move the Court to issue an Order enlarging the time within which Defendants may answer, move and/or otherwise plead to Plaintiff's Complaint. In further support of this Motion, Defendants aver as follows:

1. Plaintiff, a federal prisoner, filed a Complaint pursuant to the Federal Tort Claims Act alleging that he sustained injuries due to a leaky roof at the prison that caused him to slip and fall. Moreover, Plaintiff has alleged that prison medical staff have been indifferent to his medical needs.

2. Plaintiff has named the United States, Warden James Sherman, Clinic Director Dr. Olsen, and John Doe as defendants in this case.

3. Defendants are in the process of securing appropriate authorization to represent the individual Federal Defendants named in this lawsuit. This process commences with a request from the prison and ultimately approval from the United States Justice Department. Additionally, scope of employment determinations are also being made for representation purposes. Accordingly, additional time is needed to complete these determinations and gather the facts and information necessary to prepare an answer and/or responsive pleading.

4. The grant of additional time to file an answer or responsive pleading will in no way prejudice Plaintiff, who is proceeding in this case pro se.

WHEREFORE, Federal Defendants respectfully request that the Court issue an Order enlarging the time in which to file an Answer, move and/or otherwise plead to Plaintiff's Complaint by 60 days from the date of this request or until April 9, 2006.

Respectfully submitted,

MARY BETH BUCHANAN  
United States Attorney

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney  
Western District of Pennsylvania  
U.S. Post Office & Courthouse  
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Dated: February 9, 2006

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION FOR ENLARGEMENT OF TIME TO FILE ANSWER AND/OR RESPONSIVE PLEADING was electronically filed and mailed, postage-prepaid, this 9th day of February, 2006, to the following:

Jesse Means  
Plaintiff pro se  
Reg. No. 38021-060  
FCI McKean  
Post Office Box 8000  
Bradford, PA 16701

s/Paul D. Kovac  
PAUL D. KOVAC  
Assistant U.S. Attorney